

**REMARKS**

Claims 1-65 are pending.

The Examiner has required restriction under 35 U.S.C. § 121 between eleven groups of claims:

I. Claims 1-12 (in part), 15-37 (in part), 40-49 (in part), 54-65 (in part), drawn to compounds where W and Formula IV is 1,3-diazepines (sum of o and p is 3) and 1,3-diazecines (sum of o and p is four), classified in class 540, subclass various.

II. Claims 1-12 (in part), 15-37 (in part), 40-49 (in part) and 54-65 (in part), drawn to compounds where W in Formula IV is 1,3-diazines (sum of o and p = 2), classified in class 540, subclass various.

III. Claims 1-38 (in part), 39-49 (in part), 51 and 54-65 (in part), drawn to compounds where W in Formula IV is morpholine fused to pyridine, classified in class 544, subclass various.

IV. Claims 1-12 (in part), 15-37 (in part), 40-49 (in part) and 54-65 (in part), drawn to compounds where W in Formula IV is 1,3-diazines (sum of o and p = 2), classified in class 544, subclass various.

V. Claims 1-49, 50 (in part) and 54-65 (in part), drawn to compounds where W in Formula IV is naphthyridines (pyridine fused to piperidine) classified in class 546, subclass various.

VI. Claims 1-12 (in part), 15-23 (in part), 26-37 (in part), 40-49 (in part), 54-65 (in part), drawn to compounds where W in Formula IV is pyridine fused to azoles and pyridine fused to diazoles, classified in classes 546, subclass various.

VII. Claims 1-50 (in part), 52 and 54-65 (in part), drawn to compounds where W in Formula IV is unfused pyridines, classified in classes 546, subclass various.

VIII. Claims 1-13 (in part), 15-23 (in part), 26-37 (in part), 40-49 (in part) and 54-65 (in part), drawn to compounds where W in Formula IV is benzimidazole (Z = C and Y = nitrogen) and imidazole (Y = N), classified in class 548, subclass various.

IX. Claims 1-12 (in part), 15-23 (in part), 26-37 (in part), 40-49 (in part) and 54-65 (in part), drawn to compounds where W in Formula IV is benzopyrrole i.e. indole (Z = carbon and Y = carbon) and pyrrole (Y = carbon),

X. Claims 1-12 (in part) 15-23 (in part), 26-37 (in part), 40-49 (in part) and 54-65 (in part), drawn to compounds where W in Formula IV is 1,3-thiazines, classified in class 548, subclass various

XI. Claims 1-13 (in part), 15-23 (in part), 26-37 (in part), 40-49 (in part), 53 and 54-65 (in part), drawn to compounds where W in Formula IV is guanidine derivative (non-heterocyclic), classified in class 548, subclass various.

Applicants respectfully traverse the rejection, but elect **Group V** with traverse in order to comply with 37 CFR § 1.143.

Applicants submit that restriction between Groups V, VI, and VII should not be required, and respectfully request examination of those groups in the instant application. In reviewing the Office action, Applicants note that the Examiner's descriptions of W in Formula IV for Group V ("pyridine fused to piperidine"), Group VI ("pyridine fused to azoles and diazoles"), and Group VII ("unfused pyridines") all relate to pyridines. Indeed, those aforementioned three groups have all been placed in the same class (class 546) by the Examiner. MPEP §808.02 specifically states:

DOCKET NO.: 3DP-0418  
Application No.: 10/058,215  
Office Action Dated: May 9, 2003

PATENT

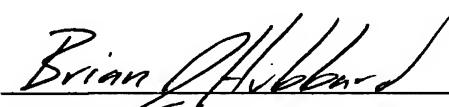
Where, however, *the classification is the same and the field of search is the same* and there is no clear indication of separate future classification and field of search, *no reasons exist for dividing among related inventions.*

Therefore, Applicants submit that restriction between Groups V, VI, and VII should not be required.

Moreover, a search for the subject pyridines would necessarily lead to specific disclosures (to the extent they exist) that would include any moieties fused to said pyridines, be those fused moieties piperidine, azoles, or diazoles. Accordingly, combining Groups V, VI, and VII would not pose a serious burden for search and examination purposes. Thus, Applicants respectfully request examination of those groups in the instant application.

If the Examiner has any questions, the Examiner is invited to call the undersigned.

Date: July 9, 2003

  
\_\_\_\_\_  
Brian J. Hubbard  
Registration No. 45,873

Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439

194944.1